

IN THE DRAWINGS

The Examiner objected to the drawings under 37 CFR 1.83(a). The Examiner stated that the "shield anechoic container" introduced in claim 15 must be shown on the drawings or the feature deleted from the claims.

In response to this objection, Applicants submit a replacement Figure 6 showing the "shield anechoic container". Support for this amendment is found in claim 15 and page 8, lines 27-32 of the specification.

REMARKS

In the Office Action mailed November 13, 2008, claims 1-15 were rejected. However, the Examiner indicated that claims 6-10 and 12-14 were allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. The Examiner is thanked for his indication of allowable subject matter.

I. CLAIM OBJECTIONS

The Examiner objected to claim 14 on informality grounds. Claim 14 is amended to properly reference "power unit" as antecedent in claim 1.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

The Examiner rejected claims 1-15 as being anticipated by U.S. Patent No. 7,186,377 to *Iyama et al.* (*Iyama et al.*) under 35 U.S.C. § 102(e).

The Examiner contends that *Iyama et al.* describes a device for controlling the specific absorption rate of mass-produced radiant objects. *Iyama et al.* describes a test zone having at least one sensor for measuring power radiated by an object situated at the level of the test zone. *Iyama et al.* describes at least one processing unit which analyzes the power thus measured.

The Examiner concluded that hollow tube (21) (see figure 5 of *Iyama et al.*) performs the function of the claimed waveguide for probe (1). Applicant submits that there is no basis for the Examiner's conclusion that the hollow tube in *Iyama et al.* device anticipates Applicants' invention which utilizes a waveguide for sensing the power of a radiant object remote from the sensor. Applicants would like to point out that all hollow tubes cannot perform the function of a waveguide. Many materials have inadequate electromagnetic impedance with air, resulting in

a fading out of electromagnetic waves. Therefore, a hollow tube in which a probe is disposed cannot inherently function as a waveguide.

Indeed, in *Iyama et al.* hollow tube (21) is described as a probe insertion opening (1). This hollow tube extends from a location close to the surface of the phantom to an opposite opening. Col. 8, ll. 23-30. Probe (1) is then inserted inside the hollow tube (21) and disposed closed to the surface of the phantom away from the opening. The probe is affixed in the tube by adhesive. Col. 7, ll. 61-63.

The purpose of this configuration is to place probe (1) in the vicinity of the radiant object as the latter is positioned immediately opposite probe (1). See FIG. 5.

There is no need of a waveguide in *Iyama et al.*, since a waveguide is used when probe and radiant object are placed a distance from each other. Referring to page 6, ll. 34-38 of the specification, that embodiment describes placing the waveguide 7 at a distance "fairly close" to the antennas of the portable telephones. The waveguide (7) opening faces the object. See FIG. 3 of the specification.

In contrast, in *Iyama et al.*, the opening for tube (21) is not placed opposite the test zone, but rather away from the test zone. See FIG. 7B of *Iyama et al.*

This is not surprising since the hollow tube in *Iyama et al.* is not a waveguide. There is therefore no need to position the opening of the hollow tube opposite the object. This is because *Iyama et al.* does not contemplate guiding a wave up to the probe from that side of the sensor.

For these reasons, the device of claim 1 is not anticipated by *Iyama et al.*

The Examiner also rejected claims 2-5, 11, and 15 in view of *Iyama et al.* The reasons why these claims are not anticipated by *Iyama et al.* are the same as the reasons why

claim 1 is not so anticipated and are not restated in their entirety. Specifically, *Iyama et al.* does not describe a device for measuring the absorption rate of radiant objects using a waveguide with an opening opposite to the test zone, the waveguide having a measurement probe disposed therein.

Therefore, the Examiner is respectfully requested to withdraw his rejection of claims 1, 2-5, and 11 as anticipated by *Iyama et al.*

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 13, 2009

Respectfully submitted,
Electronic signature: /Richard
J. Botos/
Richard J. Botos
Registration No.: 32,016
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicants